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California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

James A. Noyes, Director
Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

CONDITIONAL CERTIFICATION FOR PROPOSED OLD ROAD OVER SANTA CLARA RIVER PROJECT (CORPS' PROJECT NO. 2002-00117-AOA), SANTA CLARITA AREA, UNINCORPORATED LOS ANGELES COUNTY (FILE NO. 01-134)

Dear Mr. Noyes:

Regional Board staff has reviewed your request on behalf of the Los Angeles County Department of Public Works (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 13, 2001.

I hereby certify that there is a reasonable assurance that the discharge from the Old Road Over Santa Clara River Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Anthony Klecha, Lead, Section 401 Program, at (213) 576-6785, or Jason Lambert at (213) 576-5733.

[Original signed by]

[January 9, 2002]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

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ATTACHMENT A

Project Information File No. 01-134

1. Applicant: Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331
Phone: (626) 458-5100 Fax: (626) 458-3179
2. Applicant's Agent: Sarah Scott
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331
Phone: (626) 458-3916 Fax: (626) 458-3179
3. Project Name: The Old Road Over Santa Clara River Project
4. Project Location: Santa Clarita Area, unincorporated Los Angeles County
Township 4N, Range 16W
Longitude/Latitude: 34°25'34" / 118°35'07"
5. Type of Project: Bridge reinforcement
6. Project Description:
Purpose:
The purpose of the proposed project is to implement interim measures to prevent failure of the Old Road bridge due to scour around pier pile caps. The existing bridge is to be replaced (under separate certification) with the construction of a new bridge, tentatively scheduled to begin in April of 2005.

Description:
The proposed project involves the placement of 810 tons of four-ton ungrouted riprap around two pier pile caps on the bridge, and to maintain the existing armorflex in place. The armorflex, previously installed in 1992 by the County Sanitation Districts of Los Angeles County (CSDLAC), is located approximately 80 feet downstream of the bridge and serves as a stabilizer to protect a 30-inch sewer main and a 6-inch force main. The California Department of Fish and Game and the Department of Fish and Wildlife have required that CSDLAC remove the armorflex as part of their project to install new mains 35 feet below the riverbed to facilitate migration of the unarmored threespine stickleback upstream.

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The Applicant has proposed to remove the riprap and the existing armorflex, 30-inch sewer main and 6-inch force main, upon completion of the Old Road bridge replacement, scheduled for March 2007.

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers (Corps)
NWP Nos. 3 and 33 (Permit No. 2002-00117-AOA) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game (CDFG)
Streambed Alteration Agreement

U.S. Fish and Wildlife Service (USFWS)
Section 7 Consultation. The Corps has initiated an emergency formal consultation with the USFWS to determine the effects on several federally-listed endangered species, including the unarmored threespine stickleback (<i>Gasterosteus aculeatus williamsoni</i>), arroyo southwestern toad (<i>Bufo microscaphus californicus</i>) and designated critical habitat for the least Bell's vireo (<i>Vireo bellii pusillus</i>), which are known to occur in the vicinity of the proposed project. |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities). |
| 10. Receiving Water: | Santa Clara River (Hydrologic Unit No. 403.51) |
| 11. Designated Beneficial Uses: | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.08 permanent and 0.1 temporary acres |
| 13. Dredge Volume: | None |

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14. Related Projects
Implemented/to be
Implemented by the
Applicant:

The Applicant has identified the following three related projects that were either carried out in the last 5 years or are planned for implementation in the next 5 years:

- Sheet piles were installed at the Interstate 5 bridge over the Santa Clara River in spring of 1998;
- Replacement of the Interstate 5 bridge over the Santa Clara River has begun and is scheduled for completion in March of 2005; and
- Replacement of the Old Road bridge over the Santa Clara River is scheduled to begin in April of 2005 and is expected to be completed in March of 2007.

15. Avoidance/
Minimization
Activities:

The Applicant has proposed Best Management Practices, including, but not limited to, the following:

- All excess excavation material will be properly disposed of as required by Los Angeles County Department of Public Works standards;
- A qualified biologist will be onsite during the project construction and will determine, with the approval of the involved agencies, the necessary measures to avoid and mitigate for impacts to any existing species and habitat; and
- No equipment will be stored in the riverbed.

16. Proposed
Compensatory
Mitigation:

The Applicant has indicated that they will contribute to a non-native removal in-lieu fee program at a 2:1 mitigation ratio to offset the proposed permanent impacts to 0.08 acres of streambed.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 01-134

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall attempt to maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state. Construction operations shall cease and equipment and material shall be removed from the channel upon imminent forecast of rainfall.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore the proposed **0.1 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

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8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed **0.08 acres** of permanent impacts by transferring sufficient funds to an appropriate conservation agency for the enhancement (removing non-native vegetation) of a minimum of **0.16 acres** of wetland/riparian habitat, corresponding to a 2:1 mitigation ratio. Enhancement activities shall occur within the Santa Clara River watershed to the extent feasible.
9. Within **ninety (90) days** of project completion, the Applicant shall submit to this Regional Board a copy of the final agreement (including transfer dollar amount, size in acres, location defined by longitude and latitude, and a description and duration of mitigation activities) made between the Applicant and the conservation agency demonstrating compliance with the above compensatory mitigation requirement.
10. The Applicant shall retain the services of a **qualified biologist** to perform both pre-construction surveys and onsite monitoring during construction for any **sensitive species** which may be impacted due to the proposed project (e.g., unarmored threespine stickleback and the arroyo southwestern toad). The biologist, in conjunction with the Applicant, shall develop and implement a monitoring program and other measures necessary to minimize adverse affects on any of the above sensitive species. Measures shall include, but not necessarily be limited to: sediment and erosion controls; determining the boundaries of work, storage, access and staging areas; and selecting the point(s) at which diversion and dewatering would disrupt the least amount of stream flow necessary to achieve project goals. Should any sensitive species be found onsite during the required pre-construction surveys or during project construction, the Applicant shall immediately notify the Regional Board, the Corps, USFWS and CDFG for appropriate direction.
11. Regional Board staff shall be granted access to the project site during pre-construction surveys and project construction to verify compliance with the conditions specified in this certification and/or other applicable water quality requirements. The Applicant shall give a minimum **five-day (5-day)** notice to this Regional Board of the pre-construction survey date and the construction start date by contacting Mr. Jason Lambert of the Nonpoint Source Unit at (213) 576-5733.
12. Upon its availability, the Applicant, in conjunction with the Corps, shall submit to this Regional Board a copy of the **Biological Opinion**, to be prepared by the USFWS pursuant to Section 7 of the federal Endangered Species Act.
13. **Prior to June 1, 2002**, the Applicant shall develop and submit to this Regional Board a **Fish Migration Plan**. The Plan shall include interim measures, as appropriate, to ensure protection of the upstream migration of the **unarmored threespine stickleback** (*Gasterosteus aculeatus williamsoni*) as a result of maintaining the downstream amorflex stabilizer in place until the Old Road bridge replacement is complete, tentatively scheduled for March of 2007.

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14. The Applicant shall remove the **amorflex stabilizer, the 30-inch sewer main, and the 6-inch force main**, located approximately 80 feet downstream of the Old Road bridge, in addition to the proposed **riprap**, upon completion of the Old Road bridge replacement, tentatively scheduled for March of 2007. The Applicant shall be responsible for obtaining any necessary permits, certifications, and any other required authorizations prior to removing these entities.
15. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **01-134**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
16. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
17. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.